

## **MINUTES**

### **MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** Chairman Gary L. Perry, on March 12, 2009 at 9:00  
A.M., in Room 152 Capitol

#### **ROLL CALL**

**Members Present:**

Sen. Gary L. Perry, Chairman (R)  
Sen. Jim Shockley, Vice Chairman (R)  
Sen. Aubyn Curtiss (R)  
Sen. John Esp (R)  
Sen. Greg Hinkle (R)  
Sen. Larry Jent (D)  
Sen. Carol C. Juneau (D)  
Sen. Cliff Larsen (D)  
Sen. Jesse Laslovich (D)  
Sen. Dan McGee (R)  
Sen. Lynda Moss (D)  
Sen. Terry Murphy (R)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Valencia Lane, Legislative Branch  
Pam Schindler, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 188, HB 322, HB 490, 3/5/2009

Executive Action: None

**HEARING ON HB 322**

**Opening Statement by Sponsor:**

00:01:37 Rep. Anders Blewett (D), HD 21, opened the hearing on  
HB 322, Fair arbitrators act.

[EXHIBIT\(jus55a01\)](#)

[EXHIBIT\(jus55a02\)](#)

**Proponents' Testimony:**

00:12:46 John Doubek, Attorney, Helena

00:18:35 Sheena Rice, Montana Public Interest Research Group  
(MontPIRG)

00:19:38 Andrea Olsen, Montana Trial Lawyers Association (MTLA)

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

00:21:56 Sen. Shockley

00:22:26 Mr. Doubek

00:23:06 Sen. Larsen

00:23:21 Rep. Blewett

00:23:58 Sen. Perry

00:24:30 Rep. Blewett

00:25:47 Sen. Shockley

00:25:57 Rep. Blewettt

**Closing by Sponsor:**

00:27:33 Rep. Blewett

**HEARING ON HB 188**

**Opening Statement by Sponsor:**

00:28:20 Rep. Deborah Kottel (D), HD 20, opened the hearing on HB 188, Double damages for wrongful withholding of security deposits.

**Proponents' Testimony:**

00:37:13 Lucas Hamilton, President, Associated Students of the University of Montana (ASUM)

[EXHIBIT\(jus55a03\)](#)

[EXHIBIT\(jus55a04\)](#)

00:39:11 Sheena Rice, MontPIRG

00:42:46 Maureen Weiland, Associated Students of Montana State University (ASMSU)

00:43:14 Andrea Olsen, MTLA

00:46:18 Roger Halver, Montana Landlords Association

00:49:33 John Van Norman, Past Pres, Montana Landlords Association; currently, Treasurer, Montana Landlords Association, Billings

**Opponents' Testimony:**

00:51:16 Klaas Tuininga, Bozeman

00:53:30 Jean Nedrud, Bozeman Landlords Association, Bozeman; also for Sally Brown, Bozeman

[EXHIBIT\(jus55a05\)](#)

[EXHIBIT\(jus55a06\)](#)

00:59:31 Cleora Lodge, self

01:05:52 Sharon Lodge, Bozeman Landlords Association, Bozeman

01:11:35 Ken Champion, self

**Informational Testimony:**

01:15:41 Roger Halver, former member, Board of Realty Regulations/Investigations

(Mr. Halver was allowed by Chairman Perry to testify again.)

**Questions from Committee Members and Responses:**

01:19:49 Sen. Moss

01:20:49 Mr. Halver

01:21:22 Mr. Van Norman

01:22:12 Sen. Moss  
01:22:30 Mr. Halver  
01:23:24 Sen. Moss  
01:23:56 Rep. Kottel  
01:24:58 Sen. McGee  
01:25:12 Rep. Kottel  
01:25:52 Sen. Perry  
01:26:05 Ms. Rice  
01:28:26 Sen. Perry  
01:28:30 Ms. Olsen  
01:33:00 Sen. Perry  
01:33:42 Ms. Nedrud  
01:34:31 Sen. Curtiss  
01:35:00 Ms. Rice

**Closing by Sponsor:**

01:36:22 Rep. Kottel

**Distributed to the Committee Members after the hearing on HB 188:  
[EXHIBIT\(jus55a07\)](#)**

01:42:10 break

**HEARING ON HB 490**

**Opening Statement by Sponsor:**

01:55:25 Rep. Kendall Van Dyk (D), HD 49, opened the hearing on  
HB 490, Revise jury selection law.

**Proponents' Testimony:**

01:57:05 Brenda Nordlund, Acting Administrator, Motor Vehicle  
Division, Department of Justice (DOJ)  
02:01:06 Jorge Quintana, Chief Legal Council, Office of the  
Secretary of State  
02:01:50 Mary "Marty" Phippen, Montana Association of Clerks of  
District Court; Montana Magistrates Association

**[EXHIBIT\(jus55a08\)](#)**

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

02:04:07 Sen. McGee  
02:06:32 Rep. Van Dyke  
02:07:13 Sen. McGee  
02:07:17 Ms. Nordlund  
02:10:11 Sen. Esp  
02:10:22 Ms. Nordlund  
02:11:19 Sen. Esp  
02:11:29 Ms. Phippen  
02:14:01 Sen. Laslovich  
02:14:28 Ms. Phippen  
02:15:14 Sen. Laslovich  
02:15:55 Ms. Nordlund  
02:21:48 Sen. Shockley  
02:22:37 Ms. Phippen  
02:24:45 Sen. Jent  
02:25:24 Ms. Phippen  
02:25:50 Sen. Jent  
02:25:59 Mr. Quintana  
02:29:09 Sen. Shockley  
02:29:25 Mr. Quintana  
02:30:58 Sen. McGee  
02:31:24 Rep. Van Dyke  
02:31:50 Sen. McGee  
02:32:01 Ms. Nordlund  
02:34:26 Sen. Hinkle  
02:35:15 Ms. Nordlund  
02:37:46 Sen. Curtiss  
02:38:04 Mr. Quintana  
02:40:22 Sen. Curtiss  
02:40:48 Ms. Nordlund  
02:41:38 Sen. Laslovich  
02:43:12 Sen. Perry  
02:43:17 Sen. Laslovich  
02:43:37 Sen. Perry  
02:43:58 Ms. Phippen  
02:49:25 Sen. Perry  
02:49:33 Mr. Quintana

**Closing by Sponsor:**

02:52:57 Rep. Van Dyke

**ADJOURNMENT**

Adjournment: 11:55 A.M.

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Pam Schindler, Secretary

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Additional Documents:

**EXHIBIT ([jus55aad.pdf](#))**